

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 406 of 2004.
Date of decision: 14.12.2010.

Ishwar Singh Rawat

...Petitioner.

Versus

State of HP & Ors.

...Respondents.

Coram

The Hon'ble Mr. Justice Deepak Gupta, J.

*Whether approved for reporting?*¹ *No.*

For the petitioner:

Ms. Salochna Kaundal, Advocate.

For respondents No. 1 to 3:

Mr. Vivek Singh Thakur, Addl. AG.

Deepak Gupta, J. *(Oral)*

This petition has been filed by the petitioner under Article 227 of the Constitution of India. The petitioner has prayed that proceedings in the Civil Suit titled as State of HP and others Vs. Ishwar Singh Rawat and another be quashed as they are contrary to the mandamus issued by this Court in CWP No. 126 of 1996 which mandamus has been affirmed by the Apex Court.

2. In the reply to the writ petition, the State has clearly stated that it has already taken a decision to withdraw the suit. In fact, application filed by the State for withdrawal of the suit was not disposed of, since the main suit file was not available

¹ *Whether the reporters of local papers may be allowed to see the Judgment? Yes.*

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with the learned Judge as the same had been called to this Court, in the present proceedings.

In view of the fact that the State has decided to withdraw the main suit itself, this petition has become infructuous and is disposed of accordingly. The file of the main suit is here and the State is permitted to withdraw the suit titled as State of HP & Ors. Vs. Ishwar Singh Rawat & Anr. No. 29/1 of 2004 pending in the Court of learned Civil Judge (Junior Division) Jubbal, Districgt Shimla, HP and the suit is dismissed as withdrawn. The Registry is directed to send back the record of the case. No costs.

(Deepak Gupta)
Judge

December 14, 2010
(guleria)